

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR
THURSDAY, JULY 25, 2013 AT 6:30 P.M.**

Mayor Matt Powell	Donald J. Tracy, Mayor Pro Tem
Stephen Thomas, Council Place One	Lowell Moore, Council Place Four
Mitch Fuller, Council Place Two	Jon Lux, Council Place Five
Lyle Grimes, Council Place Three	Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Powell called the meeting to order at 6:30 p.m.
All Council present.**

**A.2 Invocation. (4)
Councilmember Moore gave the Invocation.**

**A.3 Pledges of Allegiance. (U.S. and Texas)
Council led the audience in the Pledges of Allegiance.**

**A.4 Presentation: Proclamation For National Night Out, August 6, 2013.
Mayor Powell read and presented a Proclamation recognizing National Night Out to Sgt. Lango and Lt. Wierzba, Cedar Park Police Department.**

**A.5 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)
None.**

**A.6 Mayor and Council Opening Comments.
Mayor Powell thanked and recognized the Cedar Park Police Department for their handling of an incident in keeping the community safe.**

**A.7 City Manager Report: Quarterly Building Permit Activity And Revenue Report - Mark Lewis, Director of Building Inspections.
Mark Lewis, Director of Building Inspections, presented Council with the Quarterly Building Permit and Activity Report.**

- A.8 City Manager Report: Review Of Quarterly Capital Improvement Program Progress Report - Garret Bonn, Project Manager.

Garret Bonn, Project Manager, stated there are currently 30 active Capital Improvement Projects in various stages. Mr. Bonn reviewed the larger projects for:

**Cottonwood Creek Trail/New Hope Drive Improvement Project
Bagdad Road Reconstruction
Field Operations Building Renovations and Site Improvements
Cottonwood Creek Waste Water Line - Phase C Project
RM 1431 Pass-Through Project**

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D.

Councilmember Fuller requested Agenda Item C.3 be removed from the Consent Agenda.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of June 13, 2013.
Approved under the Consent Agenda.
- B.2 Approval Of City Council Minutes From The Special Called Meeting Of June 21, 2013 (12:00 p.m.).
Approved under the Consent Agenda.
- B.3 Approval Of City Council Minutes From The Special Called Meeting Of June 21, 2013 (6:00 p.m.).
Approved under the Consent Agenda.
- B.4 Approval Of City Council Minutes From The Special Called Meeting Of June 22, 2013.
Approved under the Consent Agenda.
- B.5 Receipt Of Minutes From The Cedar Park Community Development Corporation Board Meeting Of June 11, 2013.
Received under the Consent Agenda.
- C.1 (Z-13-008) Second Reading And Approval Of An Ordinance To Rezone Approximately 2.86 Acres From General Office (GO) And Transitional Office (TO) To Local Retail (LR) For Property Located At 1500 East Whitestone Boulevard And 925 Starwood Drive. **The Planning And Zoning Commission Voted 5-1 To Approve This Request.**

Approved under the Consent Agenda.

Ordinance Number Z43.13.07.25.C1

- C.2 Second Reading And Approval Of An Ordinance Designating A 16.638 Acre Contiguous Geographic Area Within The City Of Cedar Park As "Tax Increment Reinvestment Zone Number Two, City Of Cedar Park, Texas" For Tax Increment Financing Purposes Pursuant To Chapter 311 Of The Texas Tax Code; Establishing A Board Of Directors For The Zone; Establishing A Tax Increment Fund For The Zone; Containing Findings And Provisions Related To The Zone; Providing For Severability; Providing For Repealer; And Finding And Determining That The Meeting At Which This Resolution Is Passed Was Noticed And Open To The Public As Required By Law.

Approved under the Consent Agenda.

Ordinance Number D44.13.07.25.C2

- C.3 Second Reading And Approval Of An Ordinance Determining And Making Certain Findings With Respect To The Use Of A Portion Of The Sandy Creek Park For A Remote Pumping Station For A Deep Water Intake On Lake Travis For The Brushy Creek Regional Utility Authority ("BCRUA") Regional Water Treatment And Distribution System ("the Project"); Approving The Project; Providing For A Savings Clause And Repealing Conflicting Ordinances And Resolutions; Providing For Severability; Providing For A Repealer; And Finding And Determining That The Meeting At Which This Resolution Is Passed Was Noticed And Open To The Public As Required By Law.

Agenda Item C.3 removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller gave general comments on the project.

Motion to approve the Ordinance as presented.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

Ordinance Number G45.13.07.25.C3

- D.1 A Resolution Authorizing and Directing The City Manager To Accept The Capital Area Council Of Governments ("CAPCOG") For The Regional Solid Waste Grant Program For 2013.
Approved under the Consent Agenda.

Resolution Number R129.13.07.25.D1

- D.2 A Resolution Authorizing And Directing The City Manager To Execute A Change Order With Lewis Contractors Under The Cottonwood Creek Wastewater Collection System - Phase C Project In The Amount Of \$71,876.00
Approved under the Consent Agenda.

Resolution Number R130.13.07.25.D2

- D.3 A Resolution Authorizing And Directing The Mayor To Execute An Agreement With The Cedar Park Community Development Corporation (Type B) Board For Funding Of The Bagdad Road Transportation Improvement Project In An Amount Not To Exceed \$350,000.00.
Approved under the Consent Agenda.

Resolution Number R131.13.07.25.D3

- D.4 A Resolution Authorizing A Special Permit To Hold A 5K Run At Brushy Creek Lake Park.
Approved under the Consent Agenda.

Resolution Number R132.13.07.25.D4

- D.5 A Resolution Authorizing A Special Permit To Hold A Promotional Event At The Cedar Bark Park At Veterans Memorial Park.
Approved under the Consent Agenda.

Resolution Number R133.13.07.25.D5

- D.6 Authorization To Excuse The Absences Of Councilmember Moore And Councilmember Lux From The Regular Scheduled Meeting Of June 27, 2013.
Approved under the Consent Agenda.

No Resolution Number assigned.

- D.7 Authorization To Excuse The Absence Of Councilmember Moore From The Regular Scheduled Meeting Of July 11, 2013.
Approved under the Consent Agenda.

No Resolution Number assigned.

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance Amending Article 8.00 (Utility Related Fees) In Appendix A (Fee Schedule) Of The City Of Cedar Park Code Of Ordinances To Add A Water Rate Adjustment To be In Effect During Drought Response Stage 3, Providing For Repeal Of Conflicting Ordinances, Providing For An Effective Date, And Ordaining Other Provisions Related To The Subject Matter Thereof.
Sam Roberts, Assistant City Manager, addressed Council regarding the temporary rate adjustment related to Stage 3 Water Restrictions. The proposed rate increase is to account

for the reduction in water usage and corresponding reduction in water revenues due to Stage 3 water restrictions. This temporary adjustment to the water rate is a 9% increase to the residential and commercial rates charged to city retail and wholesale customers. The new rate will go into effect at the time the Drought Response Stage 3 is enacted and will cease once the Stage 3 restrictions are lifted.

General Discussion followed.

Councilmember Thomas commented on the fixed costs for the infrastructure remaining constant and is not offset by water usage.

Mayor Powell commented on the temporary rate only being related to Stage 3 water restrictions.

Councilmember Moore commented on the mandatory LCRA 20% reduction the City will be faced with in the near future.

Councilmember Fuller commented on the City being proactive and ready to execute the pro rata curtailment as mandated by LCRA.

Councilmember Thomas commented on the billing system being based on a scale and higher usage will result in higher costs.

Mayor Powell opened the Public Hearing.

Public Comment:

Maria Schneider inquired if the City made up the revenue early would the temporary rate adjustment be stopped.

Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

F.0 Discussion And Possible Action:

F.1 Consideration To Approve A Resolution Authorizing And Directing The City Manager To Execute An Engineering Services Agreement With HDR Engineering, Inc. For The 2014 Water Treatment Plant Rehabilitation Project.

Kenneth Wheeler, Assistant Director of Utilities, addressed Council regarding the project. The water treatment plant has gone under four different expansions from 1995 to 2002 and the facility and piping is now in need of repair and/or replacement. HDR is the engineer of record for all four expansions at Cedar Park's Water Treatment Plant and therefore staff recommends executing an engineering services agreement with HDR.

Motion to approve a Resolution authorizing and directing the City Manager to execute an Engineering Services Agreement with HDR for the 2014 Water Treatment Plant Rehabilitation Project.

Movant: Councilmember Fuller
Second: Councilmember Thomas
Vote: 7-0

Resolution Number R134.13.07.25.F1

- F.2 Report From The Sunset Advisory Committee Regarding A Recommendation For A Building Standards Commission.

Councilmember Grimes addressed the Council regarding the Committee's recommendation to create a Building Standards Commission. He briefly reviewed the role of the new Commission.

- F.3 Discussion Of Land Use And Economic Development. (Fuller)

Councilmember Fuller requested this agenda item. He has reviewed the information submitted by staff and stated the role of government is a balancing act. Zoning cases are becoming harder and he would like to address smaller tracks of land that have been vacant for numerous years. All intersections are not the same and there needs to be a balance of the rights of the property owners and zoning. He would like the process to be stream lined.

Councilmember Moore inquired about the retention pond located at 183 and Cypress Creek Road.

Councilmember Thomas stated there is an obligation to have consistency in rules and practices. Each property left undeveloped is harder and the infield issues may not fit the model the City created.

Councilmember Grimes stated Cedar Park needs to grow as a community; however there is limited land left for business and economic growth. Each case, regardless of size, is very important.

Mayor Powell stated it is important to involve the private sector in the update of the Comprehensive Plan.

- F.4 Discussion Of City Of Cedar Park Code Of Ordinances Section 11.10.029 Regarding The Three-Fourths Super Majority Voting Requirement. (Fuller)

Councilmember Fuller stated he wants to change this requirement due to the vote from the last meeting. It is not a State law but a City ordinance. He would like to amend the ordinance to only require a simple majority.

Mayor Powell inquired when the supermajority requirement was put into place and what the original intent was.

General discussion followed regarding the role of government and the system for checks and balances.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 7:45 p.m.

G.0 Executive Session

G.1 Section 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:

- a. Legal Issues Concerning The Terms Of The Strategic Partnership Agreement Providing For The Voluntary Limited Purpose Annexation Of Travis County Water Control Improvement Districts 1F And 1G And Bella Vista Municipal Utility District.
- b. Legal Issues Concerning Permitted Uses In The General Office ("GO") And Hospital ("H") Zoning Districts.
- c. Legal Issues Concerning Agreement With Milestone Development Concerning Lakeline At Old Mill Subdivision.
- d. Legal Issues Concerning Possible Sale Of City Owned Real Property Located On Bois D'arc And New Hope Road.
- e. Legal Issues Concerning Code Of Ordinance Chapter 8 Article 8.03 Regulations Pertaining To Conduct In Parks, Recreation Areas, And Cave Preserves.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session

Council reconvened from Executive Session at 8:14 p.m.

No action taken on any item discussed in Executive Session.

- H.1 Mayor And Council Closing Comments.
None.
- H.2 Adjournment.
Mayor Powell adjourned the meeting at 8:15 p.m.

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2013.



Matthew Powell, Mayor

ATTEST:



**LeAnn M. Quinn, TRMC
City Secretary**